

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mercep et al.

Serial No.: 10/595,935

Examiner: P.E. Zarek

Filing Date: August 9, 2006

Art Unit: 4161

For: 1-Oxadibenzo[E,H]Azulenes For The Treatment Of Central Nervous System Diseases And Disorders

Assistant Commissioner for Patents
P.O. Box 1450
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RESPONSE TO RESTRICTION REQUIREMENT

This paper is submitted in response to the Restriction Requirement mailed September 23, 2008.

Restriction

The Office has required restriction among the pending claims as follows:

Group I, claims(s) 1-15, drawn to a method of treating a disease, damage, or disorder of the central nervous system comprising administration of a compound of formula I wherein X is O.

Group II, claims(s) 1-14, drawn to a method of treating a disease, damage, or disorder of the central nervous system comprising administration of a compound of formula I wherein X is S, S(=O), or S(=O)₂.

Group III, claims(s) 1-14, drawn to a method of treating a disease, damage, or disorder of the central nervous system comprising administration of a compound of formula I wherein X is NR^a.

Restriction is Improper

Applicants object to the restriction requirement as improper. Specifically, the Office has divided proposed Groups I-III on a basis unrelated to the prior art features that the Office allege destroy Unity of Invention.

When making a lack of Unity of Invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other